

HOUSE BILL No. 1526

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-8.

Synopsis: Taser and electronic stun weapons. Makes the possession of a taser or an electronic stun weapon by a person who is not a member of law enforcement or in the business of manufacturing, selling, or repairing firearms a Class C infraction, and increases the penalty to a Class A misdemeanor if the person: (1) commits the offense knowingly or intentionally; and (2) has a prior unrelated judgment or conviction for unlawful possession of a taser or an electronic stun weapon. Prohibits the sale or delivery of a taser or an electronic stun weapon to a person who is not a member of law enforcement or in the business of manufacturing, selling, or repairing firearms. Makes the unlawful sale of a taser or an electronic stun weapon a Class A infraction, and increases the penalty to a Class D felony if the person: (1) commits the offense knowingly or intentionally; and (2) has a prior unrelated judgment or conviction for unlawful sale of a taser or an electronic stun weapon. Repeals a provision regulating tasers and electronic stun weapons as handguns.

Effective: July 1, 2005.

Alderman

January 18, 2005, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1526

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-8-6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 6. (a) This section does not apply to a:**

- 4 (1) law enforcement officer;
5 (2) federal enforcement officer;
6 (3) corrections officer (as defined in IC 35-42-2-6); or
7 (4) person engaged in the business of manufacturing,
8 repairing, or dealing in firearms.

9 (b) A person who possesses a taser or an electronic stun weapon
10 commits unlawful possession of a taser or an electronic stun
11 weapon, a Class C infraction. However, the offense is a Class A
12 misdemeanor if the person:

- 13 (1) knowingly or intentionally possesses a taser or an
14 electronic stun weapon; and
15 (2) has a prior unrelated judgment or conviction under this
16 section.

17 SECTION 2. IC 35-47-8-7 IS ADDED TO THE INDIANA CODE



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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2005]: **Sec. 7. (a) A person who sells or delivers a taser or an
3 electronic stun weapon to an individual who is not a:**

4 **(1) law enforcement officer;**

5 **(2) federal enforcement officer;**

6 **(3) corrections officer (as defined in IC 35-42-2-6); or**

7 **(4) person engaged in the business of manufacturing,
8 repairing, or dealing in firearms;**

9 **commits unlawful sale or delivery of a taser or an electronic stun
10 weapon, a Class A infraction.**

11 **(b) The offense described in subsection (a) is a Class D felony if
12 the person:**

13 **(1) knowingly or intentionally violates subsection (a); and**

14 **(2) has a prior unrelated judgment or conviction under this
15 section.**

16 **SECTION 3. IC 35-47-8-4 IS REPEALED [EFFECTIVE JULY 1,
17 2005].**

18 **SECTION 4. [EFFECTIVE JULY 1, 2005] IC 35-47-8-6 and
19 IC 35-47-8-7, both as added by this act, apply only to offenses
20 committed after June 30, 2005.**

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